

FILED

08 MAY -2 PM 12:44

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

DEPUTY

ARLENE PRATER, Bar No. 67191
ALISON D. ALPERT, Bar No. 199257
BEST BEST & KRIEGER LLP
655 West Broadway, 15th Floor
San Diego, CA 92101
Telephone: (619) 525-1300
Telecopier: (619) 233-6118
Email: Arlene.Prater@bbklaw.com
Email: Alison.Alpert@bbklaw.com

Attorneys for Defendant
MORGAN SERVICES, INC., a Delaware
corporation (erroneously named as an Illinois
corporation)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

WILLIAM SWIMAN, individually and on
behalf of all other persons similarly
situated and on behalf of the general public,

Plaintiff,

v.

MORGAN SERVICES, INC., an Illinois
corporation; and DOES 1 through 100,
inclusive,

Defendants.

Case No.
Judge:

08 CV 0806WQH NLS

PROOF OF SERVICE

Complaint Filed: March 20, 2008

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PROOF OF SERVICE

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW
SAN DIEGO

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PROOF OF SERVICE

I am a citizen of the United States and employed in San Diego County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Best Best & Krieger LLP, 655 West Broadway, 15th Floor, San Diego, California 92101. On May 2, 2008, I served the following document(s):

CIVIL COVER SHEET

NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT PURSUANT TO 28 U.S.C. § 1441 (FEDERAL QUESTION AND DIVERSITY JURISDICTION)

DECLARATION OF GLENN TEIXEIRA IN SUPPORT OF NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT

DECLARATION OF ARLENE PRATER IN SUPPORT OF NOTICE OF REMOVAL OF ACTION TO FEDERAL COURT

NOTICE OF LODGMENT IN SUPPORT OF REMOVAL OF ACTION TO FEDERAL COURT PURSUANT TO 28 U.S.C. § 1441 (FEDERAL QUESTION AND DIVERSITY JURISDICTION)

☐ **By fax transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

☒ **By United States mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed below (specify one):

☐ Deposited the sealed envelope with the United States Postal Service, with the postage fully prepaid.

☒ Placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at San Diego, California.

LAW OFFICES OF
BEST BEST & KRIEGER LLP
655 WEST BROADWAY, 15TH FLOOR
SAN DIEGO, CALIFORNIA 92101

- ☐ **By personal service.** At ____ a.m./p.m., I personally delivered the documents to the persons at the addresses listed below. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with a receptionist or an Individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.
- ☐ **By messenger service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed below and providing them to a professional messenger service for service. A Declaration of Messenger is attached.
- ☐ **By overnight delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.
- ☐ **By e-mail or electronic transmission.** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the persons at the e-mail addresses listed below. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Jason E. Baker, Esq.
Brent Jex, Esq.
KEEGAN & BAKER, LLP
4370 La Jolla Village Drive, Suite 640
San Diego, California 92122
Telephone: (858) 552-6750
Facsimile: (858) 552-6749

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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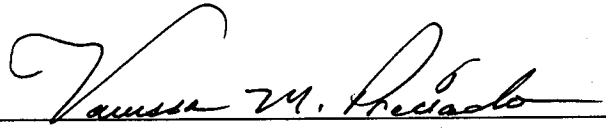
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1 I declare that I am employed in the office of a member of the bar of this court at whose
2 direction the service was made.

3 Executed on May 2, 2008, at San Diego, California.

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6 Vanessa M. Preciado

LAW OFFICES OF
BEST BEST & KRIEGER LLP
655 WEST BROADWAY, 15TH FLOOR
SAN DIEGO, CALIFORNIA 92101